

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SANJAY BHATNAGAR,
Plaintiff,
v.
THE PRESIDIO TRUST,
Defendant.

Case No. [14-cv-00327-MEJ](#)

**ORDER GRANTING REQUEST TO
SUBSTITUTE IN PROPER
DEFENDANT**

Re: Dkt. No. 38

As part of its pending Motion to Dismiss (Dkt. No. 38), Defendant The Presidio Trust has filed a request to substitute in The United States of America as the proper defendant in this case. With respect to tort claims brought against the federal government under the Federal Tort Claims Act, the United States is the only proper defendant. *See* 28 U.S.C. § 2679; *Kennedy v. U.S. Postal Service*, 145 F.3d 1077, 1078 (9th Cir. 1998). Thus, the Court hereby DISMISSES the Presidio Trust and substitutes the United States as the proper defendant in this case. The caption shall be changed accordingly.

IT IS SO ORDERED.

Dated: May 11, 2015



MARIA-ELENA JAMES
United States Magistrate Judge